

Atty. Dkt. No. 037768-0173

Appl. No. 10/698,564

Applicant provisionally elects Group I, claims 1-29, species B, as identified on page 3 of the Office action, and, if needed, sub-specie (ii), a metal-containing precursor selected from the group comprising metal acetates, metal carboxylates, metal ethanoates, metal alkoxides, metal octoates, metal chelates, metallo-organic compounds, metal halides, metal azides, metal nitrates, metal sulfates, metal hydroxides, metal salts soluble in organics, metal salts soluble in water, and metal-containing emulsions, and a metal-containing precursor comprising nanoscale powder and coarse carrier particles.

Applicant respectfully traverses the restriction requirement because the evidence and explanation do not identify a serious burden. The Examiner is also asked to expand the scope of subject matter considered once the elected species is determined to be allowable.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date 02-16-2007

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By Sean A. Passino (45,943)  
SEAN A. PASSINO  
Stephen B. Maebius  
Attorney for Applicant  
Registration No. 35,264  
Fax